



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5738

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 327/25 new

Creates the Bone Marrow and Organ Donor Leave Protection Act. Provides that employees of private employers having 51 or more employees, units of local government, boards of election commissioners, school districts, any subdivisions thereof must permit employees to take leave for purposes of donating organs or bone marrow. Prohibits retaliation for taking leave. Authorizes 30 days of leave for organ donation and 5 days leave for bone marrow donation. Defines terms. Amends the Organ Donor Leave Act to prohibit retaliation for taking leave.

LRB099 16686 JLS 41024 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Bone
5 Marrow and Organ Donor Leave Protection Act.

6 Section 5. Purpose. This Act is intended to provide leave
7 to employees of units of local government, boards of election
8 commissioners, school districts, and any subdivisions thereof,
9 and private employers in the State of Illinois for the purposes
10 of donating bone marrow or an organ. This Act further seeks to
11 protect employees from retaliation for requesting or obtaining
12 leave granted in accordance with this Act.

13 Section 10. Definitions. As used in this Act:

14 "Employer" means any private employer in the State with 51
15 or more employees or any unit of local government, board of
16 election commissioners, school district, or a political
17 subdivision thereof.

18 "Department" means the Department of Labor.

19 "Organ" means any biological tissue of the human body that
20 may be donated by a living donor, including, but not limited
21 to, the kidney, liver, lung, pancreas, intestine, bone, and
22 skin or any subpart thereof.

1 "Participating employee" means a permanent, full-time or
2 part-time employee who has been employed by an employer for a
3 period of 6 months or more and who donates bone marrow or an
4 organ.

5 Section 15. Administration of Act.

6 (a) A participating employee, subject to this Act, who
7 wishes to donate bone marrow or an organ, shall request in
8 advance leave under this Act.

9 (b) A participating employee must use and exhaust any
10 accrued sick, personal, or vacation time prior to obtaining
11 leave under this Act.

12 (c) If a participating employee (i) requests leave from the
13 employer for the purpose of serving as a bone marrow donor and
14 (ii) provides the employer with written verification by a
15 physician that the employee is to serve as a bone marrow donor,
16 the employer must grant the employee bone marrow donation leave
17 of not more than 5 work days, as determined by the attending
18 physician, during which time the employee may serve as a bone
19 marrow donor.

20 (d) If a participating employee (i) requests leave from the
21 employer for the purpose of serving as an organ donor and (ii)
22 provides the employer with written verification by a physician
23 that the employee is to serve as an organ donor, the employer
24 must grant the employee organ donation leave of not more than
25 30 work days, as determined by the attending physician, during

1 which time the employee may serve as a human organ donor.

2 (e) No employer shall retaliate or otherwise penalize an
3 employee for requesting or obtaining leave pursuant to the
4 provisions of this Act.

5 Section 20. Rules. The Department shall administer this Act
6 and adopt rules necessary for that purpose.

7 Section 90. The Organ Donor Leave Act is amended by adding
8 Section 25 as follows:

9 (5 ILCS 327/25 new)

10 Sec. 25. Retaliation against employee prohibited. No
11 agency shall retaliate or otherwise penalize an employee for
12 requesting or obtaining leave pursuant to the provisions of
13 this Act.